

NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

NOTICE IS HEREBY GIVEN that the California Public Employees' Retirement System ("CalPERS"), pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87302 through 87306 of the Government Code.

CalPERS proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment reflects the numerous organizational changes that have been made since the current Conflict-of-Interest Code was adopted. It reflects additions and deletions of entire divisions as well as the addition or deletion of classifications within those divisions. Some changes may also reflect changes in job duties or responsibility. Finally, the amended Conflict-of-Interest Code makes other technical changes to reflect the current organizational structure of the Department. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than July 19, 2004 (last day of the 45-day written comment period), or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than 15 days before close of the written comment period, by contacting the Contact Person set forth below. The close of the written comment period is July 19, 2004.

CalPERS has undergone a significant review of its Conflict-of-Interest code, its operations, and individual job duties that forms the basis on which the amendments are based. Copies of the proposed amendments, the written criteria used to make the changes, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

CalPERS has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.

5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential impact on private persons, businesses or small businesses.

In making these proposed amendments, CalPERS must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquires concerning this proposed amendment and any communication required by this notice should be directed to:

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PROPOSED

California Code of Regulations

TITLE 2. California Public Employees' Retirement Law

Article 3. Public Employees' Retirement System— Conflict of Interest Code

560. General Provisions.

The Political Reform Act found at Government Code sections 81000, et seq., requires state and local government agencies to adopt and promulgate a Conflict of Interest Code. The purpose of this conflict of interest code is to facilitate the disclosure of the economic interests of public officials serving the California Public Employees' Retirement System ("CalPERS") that may be materially affected by CalPERS actions in which they participate. ~~The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations, Section 18730, which contains the terms of a standard Conflict of Interest Code, can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2, California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached appendix in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the Public Employees' Retirement System, except as provided below.~~

Designated employees, consultants, board members and candidates shall file statements of economic interests with the agency CalPERS' filing officer. With respect to certain employees and officials such as board members who are determined to manage public investments, within the meaning of Government

Code section 87200, the agency CalPERS shall make and retain a copy and forward the original of these statements to the Fair Political Practices Commission. While public officials who manage investments are not required to be listed in this code, those officials are listed at the end of this document for clarity. Unlike the designated employees, these officials' reporting obligations are not limited by reference to a reporting category.

_____ This provision incorporates by reference 2 California Code of Regulations, Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission. Those regulations along with the attached appendix in which officials and employees are designated and disclosure categories are set forth, constitute the CalPERS Conflict of Interest Code.

_____ ~~EXCEPTIONS: As provided in section 1 of the standard Code, 2, California Code of Regulations Section 18730(b)(1), the definitions contained in the Political Reform Act of 1974 shall apply to the terms used in this Code except that "Jurisdiction" shall not be limited to the State, for the purposes of disclosure and disqualification, for designated employees assigned to Category 1 of the Appendix and for officials who manage public investments.~~

CONFLICT OF INTEREST CODE FOR THE PUBLIC EMPLOYEES'
RETIREMENT SYSTEM

Appendix

Assigned Disclosure Designated Positions *Category*

ACTUARIAL & EMPLOYER SERVICES DIVISION

<u>Chief Actuary</u>	<u>1</u>
<u>Division Chief</u>	<u>1</u>
<u>Assistant Division Chief</u>	<u>1</u>
<u>Associate Pension Actuary</u>	<u>1</u>
<u>Senior Pension Actuary</u>	<u>1</u>
<u>Staff Services Manager (Special Projects).....</u>	<u>1</u>
<u>Staff Services Manager II (Supervisor)</u>	<u>1</u>
<u>Supervising Pension Actuary</u>	<u>1</u>

BENEFIT SERVICES DIVISION

<u>Division Chief</u>	<u>1</u>
<u>Staff Services Manager III.....</u>	<u>1</u>

BRANCH DEVELOPMENT CENTER

<u>Division Chief</u>	<u>3</u>
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CUSTOMER CALL CENTER

<u>Division Chief</u>	<u>3</u>
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EXECUTIVE OFFICE

<u>Deputy Executive Officers (All)</u>	<u>1</u>
<u>Assistant Executive Officer (All)</u>	<u>1</u>
<u>CEA, Special Asst to Board President</u>	<u>1</u>

FISCAL SERVICES DIVISION

<u>Division Chief.....</u>	<u>1</u>
<u>Accounting Administrator I (Specialist)(Supervisor).....</u>	<u>1</u>
<u>Accounting Administrator II.....</u>	<u>1</u>
<u>Accounting Administrator III.....</u>	<u>1</u>
<u>Staff Administrative Analyst (General).....</u>	<u>1</u>
<u>Staff Services Manager I.....</u>	<u>1</u>
<u>Staff Services Manager II (Supervisor).....</u>	<u>1</u>

HUMAN RESOURCES DIVISION

<u>Division Chief.....</u>	<u>1</u>
<u>Labor Relations Manager.....</u>	<u>1</u>
<u>Staff Services Manager II (Managerial).....</u>	<u>1</u>
<u>Staff Services Manager III.....</u>	<u>1</u>

INFORMATION TECHNOLOGY SERVICES DIVISION

<u>Assistant Executive Officer.....</u>	<u>1</u>
<u>Division Chief.....</u>	<u>1</u>
<u>Data Processing Manager II.....</u>	<u>3</u>
<u>Data Processing Manager III.....</u>	<u>3</u>
<u>Data Processing Manager IV.....</u>	<u>3</u>
<u>System Software Specialist III (All Classes).....</u>	<u>3</u>

INVESTMENT OFFICE

<u>Division Chief.....</u>	<u>1</u>
<u>Assistant Investment Officer.....</u>	<u>1</u>
<u>Associate Administrative Analyst.....</u>	<u>1</u>
<u>Associate Governmental Program Analyst.....</u>	<u>1</u>

<u>Investment Officer (All levels)</u>	<u>1</u>
<u>Mortgage Investment Specialist I</u>	<u>1</u>
<u>Mortgage Investment Specialist II</u>	<u>1</u>
<u>Principal Investment Officer</u>	<u>1</u>
<u>Staff Services Analyst (General)</u>	<u>1</u>
<u>Staff Services Manager I</u>	<u>1</u>
<u>Staff Services Manager II</u>	<u>1</u>
<u>LEGAL OFFICE</u>	
<u>Deputy General Counsel</u>	<u>1</u>
<u>Assistant Chief Counsel</u>	<u>1</u>
<u>Staff Counsel</u>	<u>1</u>
<u>Staff Counsel III (All Classes)</u>	<u>1</u>
<u>Staff Counsel IV</u>	<u>1</u>
<u>MEMBER SERVICES DIVISION</u>	
<u>Division Chief</u>	<u>1</u>
<u>Staff Services Manager II (Supervisor)</u>	<u>1</u>
<u>Staff Services Manager III</u>	<u>1</u>
<u>OFFICE OF AUDIT SERVICES</u>	
<u>Division Chief</u>	<u>1</u>
<u>Associate Program Evaluator</u>	<u>1</u>
<u>Program Evaluator Specialist</u>	<u>1</u>
<u>Program Evaluator</u>	<u>1</u>
<u>Senior Program Evaluator Specialist</u>	<u>1</u>
<u>Senior Program Evaluator</u>	<u>1</u>
<u>Staff Program Evaluator</u>	<u>1</u>

<u>Staff Program Evaluator Specialist</u>	<u>1</u>
<u>OFFICE OF DECISION AND PROGRAM SUPPORT SERVICES</u>	
<u>Division Chief</u>	<u>1</u>
<u>Associate Governmental Program Analyst</u>	<u>2</u>
<u>Health Program Manager II.....</u>	<u>2</u>
<u>Health Program Manager III.....</u>	<u>2</u>
<u>Research Analyst II.....</u>	<u>2</u>
<u>Research Program Specialist I</u>	<u>2</u>
<u>Research Program Specialist II.....</u>	<u>2</u>
<u>Retirement Program Specialist II - Tech</u>	<u>2</u>
<u>Staff Services Manager (All)</u>	<u>2</u>
<u>OFFICE OF EMPLOYER & MEMBER HEALTH SERVICES</u>	
<u>Division Chief</u>	<u>1</u>
<u>Retirement Program Specialist II (Tech).....</u>	<u>2</u>
<u>Retirement Program Specialist II (Supervising)</u>	<u>2</u>
<u>Staff Services Manager I.....</u>	<u>2</u>
<u>Staff Services Manager II (Supervising).....</u>	<u>2</u>
<u>Staff Services Manager III.....</u>	<u>2</u>
<u>OFFICE OF GOVERNMENTAL AFFAIRS</u>	
<u>Division Chief</u>	<u>1</u>
<u>OFFICE OF HEALTH POLICY & PLAN ADMINISTRATION</u>	
<u>Division Chief</u>	<u>1</u>
<u>Administrator of Benefit Programs</u>	<u>1</u>
<u>Associate Governmental Program Analyst</u>	<u>2</u>
<u>Associate Pension Actuary</u>	<u>1</u>

<u>Health Program Manager III.....</u>	<u>1</u>
<u>Nurse Consultant.....</u>	<u>2</u>
<u>Research Analyst II.....</u>	<u>2</u>
<u>Retirement Program Specialist II - Tech.....</u>	<u>2</u>
<u>Staff Services Analyst.....</u>	<u>2</u>
<u>Staff Services Manager I.....</u>	<u>2</u>
<u>Staff Services Manager II.....</u>	<u>2</u>
<u>OFFICE OF INFORMATION SECURITY</u>	
<u>Data Processing Manager III.....</u>	<u>1</u>
<u>OFFICE OF LONG TERM CARE</u>	
<u>Division Chief.....</u>	<u>1</u>
<u>Staff Services Manager.....</u>	<u>2</u>
<u>Associate Governmental Program Analyst.....</u>	<u>2</u>
<u>OFFICE OF POLICY AND PROGRAM DEVELOPMENT</u>	
<u>Division Chief.....</u>	<u>1</u>
<u>Staff Services Manager I.....</u>	<u>1</u>
<u>OPERATIONS SUPPORT SERVICES DIVISION</u>	
<u>Division Chief.....</u>	<u>1</u>
<u>Staff Services Manager I.....</u>	<u>1</u>
<u>Staff Services Manager II (Supervisor).....</u>	<u>1</u>
<u>PLANNING AND ORGANIZATION DEVELOPMENT BRANCH</u>	
<u>Assistant Executive Officer.....</u>	<u>1</u>
<u>Data Processing Manager III.....</u>	<u>3</u>
<u>Division Chief.....</u>	<u>1</u>
<u>Senior Information System Analyst (Supervising).....</u>	<u>3</u>

PUBLIC AFFAIRS OFFICE

Division Chief.....1

Staff Services Manager II..... 1

R STREET PROJECT

Division Chief.....1

Staff Services Manager III.....1

SUPPLEMENTAL SAVINGS PROGRAM

Division Chief1

ACTUARIAL & EMPLOYER SERVICES DIVISION

~~Chief Actuary.....1~~

~~Division Chief1~~

~~Assistant Division Chief1~~

~~Supervising Pension Actuary.....1~~

BENEFIT SERVICES DIVISION

~~Division Chief.....1~~

~~Assistant Division Chief1~~

BRANCH DEVELOPMENT CENTER

~~Staff Services Manager III.....1~~

CHANGE MANAGEMENT

~~Division Chief.....1~~

CalPERS ON-LINE MEMBER & EMPLOYER TRANSACTION SYSTEM

(COMET)

~~Project Leaders.....1~~

~~Project Managers.....1~~

—Data Administrator	3
<u>EXECUTIVE OFFICE</u>	
—Assistant Executive Officer	1
<u>FISCAL SERVICES DIVISION</u>	
—Division Chief.....	1
—Manager, Budget Management and Administrative Accounting Section....	1
—Manager, Investment Accounting Section.....	1
—Manager, Accounting Services Section	1
<u>HEALTH BENEFITS SERVICES DIVISION</u>	
—Division Chief.....	1
—Staff Services Manager (all classes)	2
<u>HEALTH PROGRAM DEVELOPMENT</u>	
—Division Chief.....	1
—Staff Services Manager II.....	2
—Retirement Program Specialist II	2
—Nurse Consultant	2
—Research Program Specialist II.....	2
<u>HUMAN RESOURCES DIVISION</u>	
—Division Chief.....	1
—Staff Services Manager II	1
<u>INFORMATION TECHNOLOGY SERVICES DIVISION</u>	
—Division Chief.....	1
—Data Processing Manager III	3
<u>INVESTMENT OFFICE</u>	
—Investment Officer (all classes).....	1

Mortgage Investment Specialist (all classes)	1
Assistant Investment Officer (all classes)	1
Staff Services Manager (all classes)	1
Associate Governmental Program Analyst	1
Staff Services Analyst (all classes)	1
Division Chief	1
Associate Information Systems Analyst	3

LEGAL OFFICE

Deputy General Counsel	1
Senior Staff Counsel (all classes)	1
Staff Counsel (all classes)	1

MANAGEMENT INFORMATION SYSTEM OFFICE

Division Chief	1
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MEMBER SERVICES DIVISION

Division Chief	1
Assistant Division Chief	1
Manager, Judges' & Legislators' Retirement System	1

OFFICE OF AUDIT SERVICES

Division Chief	1
Senior Management Auditor	1
Staff Management Auditor (all classes)	1
Auditor Specialist, Bureau of State Audits	1
Staff Auditor, Bureau of State Audits	1
Associate Management Auditor (all classes)	1
General Auditor (all classes)	1

Staff Services Management Auditor (all classes)	1
<u>OFFICE OF INFORMATION SECURITY</u>	
Information Security Officer	1
<u>OFFICE OF GOVERNMENTAL AFFAIRS</u>	
Division Chief	1
<u>OFFICE OF POLICY AND PROGRAM DEVELOPMENT</u>	
Staff Services Manager II	1
<u>OPERATIONS SUPPORT SERVICES DIVISION</u>	
Division Chief	1
Assistant Division Chief	1
Staff Services Manager (all classes)	1
<u>PLANNING AND RESEARCH DIVISION</u>	
Division Chief	1
<u>PUBLIC AFFAIRS OFFICE</u>	
Public Affairs Officer	1
Information Officer II, Communications Manager	1
<u>R STREET PROGRAM</u>	
Project Manager	1
<u>SELF FUNDED PROGRAMS DIVISION</u>	
Division Chief	1
Staff Services Manager (all classes)	2
Retirement Program Specialist II (Self Funded Contracts Unit)	2
Research Analyst II (Self Funded Contracts Unit)	2
<u>SUPPLEMENTAL SAVINGS PROGRAM</u>	
Division Chief	1

CONTRACTS FOR SERVICES

Consultants Who Do Not Manage Public Investments*1

* Notwithstanding the designation of consultants who do not manage public investments as category 1 filers, the General Counsel may determine in writing that a particular consultant is hired to perform a range of duties such that category 1 is not appropriate. In those cases, the General Counsel may designate any other reporting category including any category not included in this Conflict of Interest Code. Such a determination by the General Counsel must be in writing and shall include a description of the consultant's duties and the consultant's disclosure category. The General Counsel's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

~~*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following:~~

~~—— The Executive Officer may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that are limited in scope thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and based upon the description, a statement of the extent of the disclosure requirements. The Executive Officer's determination is public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.~~

~~As specified below, consultants who manage public investments, within the meaning of Government Code section 87200, shall file the Form 700 Statement of Economic Interests.~~

DISCLOSURE CATEGORIES – *Category 1*

Designated individuals in Category 1 must report:

All investments and business positions in business entities, and income (including gifts, loans, and travel payments) from sources which are of the type (1) to contract with CalPERS, or (2) in which funds administered by the Board may be invested (including securities, real estate and business entities).

All interest in real estate co-owned with, or purchased from, the above.

Category 2

Designated individuals in Category 2 must report:

All investments and business positions in business entities, and income (including gifts, loans, and travel payments) from sources which are of the type to contract with CalPERS to provide health care services.

Category 3

Designated individuals in Category 3 must report:

All investments and business positions in business entities, and income (including gifts, loans, and travel payments) from sources which are of the type to sell, rent or lease information technology equipment, hardware, software, facilities, supplies or services to CalPERS.

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

It has been determined that individuals in the positions listed below are officials who manage public investments, within the meaning of Government Code section 87200, and will file the Form 700 Statement of Economic Interests:

Board Members

Chief Executive Officer

~~Deputy Executive Officer~~

General Counsel

Chief Investment Officer

Assistant Executive Officer – Investment Operations

Senior Investment Officer (all classes)

~~Senior Principal Investment Officer~~

~~Principal Investment Officer (all classes)~~

~~Mortgage Investment Officers (all classes)~~

Senior Portfolio Manager (all classes)

Investment Manager, Asset Allocation/Risk Management

Portfolio Manager (all classes)

Consultants Who Manage Public Investments

Note: Authority cited: Article XVI, section 17, California Constitution; sections 87200 et seq., 87300 and 87304, Government Code. Reference: Sections 87200 et seq. and 87300 et seq., Government Code.